

01/24/01  
J0002 U.S. PTO

01-25-01

A

Practitioner's Docket No. 2096.01C

PATENT

Preliminary Classification:  
Proposed Class:  
Subclass:

J0929 U.S. PTO  
09/768969  
01/24/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Dave W. Gordon

For (title): THERMAL FOOT COVER

1. Type of Application

This transmittal is for a continuation application.

2. Benefit of Prior U.S. Application (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application. Enclosed are

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.  
37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10\*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"  
Mailing Label No. EL22380382845 (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office (703)

Date: 1/24/01

Signature

MARCIA A. SNOW  
(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).  
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATION CLAIMED.

**3. Papers Enclosed**

**A.** Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design)  
Application

31 Page(s) of Specification

13 Page(s) of Claims

6 Sheet(s) of Drawing(s)--Formal

**B.** Other Papers Enclosed

3 Page(s) of declaration and power of attorney

1 Page(s) of abstract

**4. Additional Papers Enclosed**

Amendment to claims

Cancel in this applications claims 17-31 before calculating the filing fee.

Preliminary Amendment

**5. Declaration or Oath**

Enclosed

Executed by:  
\* inventor.

**6. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**7. Language**

English

FILED TO: 030309260

8. **Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$710.00
Total Claims (37 CFR 1.16(c))	16	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$80.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$270.00	\$0.00
Amendment cancelling extra claims is enclosed. Filing Fee Calculation					\$710.00

9. **Small Entity Statement(s)**

Status as small entity was claimed in prior application 09/235267, filed on January 22, 1999, from which benefit is being claimed for this application under 35 U.S.C. SECTION 120, and which status as a small entity is still proper and desired.

Filing Fee Calculation (50% of above) \$355.00

10. **Fee Payment Being Made at This Time**

Enclosed  
Filing Fee \$355.00

**Total Fees Enclosed** \$355.00

11. **Method of Payment of Fees**

Check in the amount of \$355.00 is attached.

12. **Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 03-1127.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to SECTION 1.136(a))

**13. Instructions as to Overpayment**

Credit Account No. 03-1127.

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION CLAIMED**

**14. Relate Back**

Amend the specification by inserting, before the first line, the following sentence:

**A. 35 U.S.C. Sections 120, 121 and 365(c)**

"This application is a continuation of copending application:

Application number 09/235,267 filed on January 22, 1999.

**15. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

**16. Small Entity (37 C.F.R. Section 1.28(a))**

Applicant has established small entity status by the filing of a statement in parent application 09/235267 on January 22, 1999.

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. Section 120.

Date: 1/24/01

918-5848787

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Dave W. Gordon  
Filed: Herewith  
FOR: THERMAL FOOT COVER

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

"EXPRESS MAIL" MAILING LABEL NUMBER

EL22380382845  
DATE OF DEPOSIT: 1-24-01

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE  
UNDER 37 cfr 1.10 ON THE DATE INDICATED ABOVE AND  
IS ADDRESSED TO THE COMMISSIONER OF PATENTS AND  
TRADEMARKS, WASHINGTON, D.C. 20231.

MARCIA A. SNOW  
TYPED OR PRINTED NAME OF PERSON MAILING

*Marcia A. Snow*

SIGNATURE OF PERSON MAILING PAPER OR FEE



CORRESPONDENCE ADDRESS IN APPLICATION

Please send all correspondence for this application as follows:

810 S. Cincinnati, Suite 405  
Tulsa, OK 74119

Please direct telephone calls to:

918-584-8787

Date: 1/24/01

*Frank J. Catalano*

Frank J. Catalano  
Registration No. 25836  
Frank J. Catalano, P.C.  
810 S. Cincinnati, Suite 405  
Tulsa, OK 74119  
USA  
918-584-8787

CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. Section 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[ ] deposited with the United States Postal Service  
with sufficient postage as first class mail in an  
envelope addressed to the Commissioner for  
Patents and Trademarks, Washington, D.C.  
20231.

Date: \_\_\_\_\_

FACSIMILE

[ ] transmitted by facsimile to the Patent and  
Trademark Office (703) \_\_\_\_ - \_\_\_\_.

Signature

(type or print name of person certifying)

(Change of Attorney's Address in Application--page 1 of 2)

FILED IN 2001 JAN 24